

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MALCOLM ANTONIO MOSS

PLAINTIFF

v.

CIVIL ACTION NO. 2:24-cv-66-TBM-RPM

CITY OF HATTIESBURG

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION


This matter is before the Court on the submission of the Report and Recommendation [6] entered by United States Magistrate Judge Robert P. Myers, Jr. on July 2, 2024. Judge Myers recommends dismissing this case without prejudice for lack of subject matter jurisdiction. Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee’s note to 1983 addition (citations omitted); see *Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010) (“When a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers’ Report and Recommendation, the Court finds it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that Report and Recommendation [6] entered by United States Magistrate Judge Robert P. Myers, Jr. on July 2, 2024, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's case is DISMISSED WITHOUT PREJUDICE for lack of subject matter jurisdiction.

THIS, the 8th day of August, 2024.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE